

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DORIS RUIZ,

Defendant.

INDICTMENT

CR 11-319 DWF/JJK

(18 U.S.C. § 371)

(26 U.S.C. § 7202)

THE UNITED STATES GRAND JURY CHARGES THAT:

INTRODUCTION

At all time relevant to this Indictment:

1. Defendant DORIS RUIZ, was the owner, president and sole manager of an S-corporation named DRU Enterprises, Inc., d/b/a Olen Staff Company ("Olen"). Olen was a temporary work agency located in Minneapolis, Minnesota, which provided workers to factories, construction companies and other businesses. Under Olen's service agreements with these clients, Olen warranted that these workers were its own employees, and that Olen would be responsible for the various payroll taxes. RUIZ signed these agreements on Olen's behalf.

2. RUIZ as the officer and responsible person for Olen, had a duty to collect, account for, and pay over certain federal income taxes, as well as Federal Insurance

SCANNED

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U.S. DISTRICT COURT ST. PAUL

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RICHARD D. SLETTEN, CLERK
JUDGMENT ENTD
DEPUTY CLERK

Contribution Act ("FICA") taxes (made up of social security taxes and Medicare taxes), on the wages of individual employees of Olen. Such taxes, which are known in whole or in part as employment taxes, payroll taxes, and/or trust fund taxes, are hereinafter collectively referred to as "federal employment taxes."

4. RUIZ deducted and collected federal employment taxes from Olen employees but, at all times relevant to this Indictment, failed to pay over these taxes to the Internal Revenue Service, as required by law.

5. RUIZ was the person at Olen responsible for signing and filing Employer's Quarterly Federal Tax Returns, Forms 941, to account for and reflect federal employment taxes. In particular, RUIZ was required under the provisions of the Internal Revenue Code to file a Form 941, Employer's Quarterly Federal Tax Returns, after the close of each calendar quarter and on or before each due date. At all times relevant to this Indictment RUIZ failed to file Forms 941 for Olen as required by law.

6. RUIZ caused Olen to issue Forms W-2, Wage and Tax Statements, to its employees reflecting that federal employment taxes were withheld from the wages for Olen employees.

COUNT 1
Conspiracy
18 U.S.C. § 371

7. The grand jury re-alleges all the allegations contained in paragraphs 1 through 6 of the Introduction as if set forth in full herein.

8. From a date unknown to the Grand Jury, but by at least in or about 2005, through in or about 2007, in the State and District of Minnesota and elsewhere, the defendant,

DORIS RUIZ,

and others known and unknown to the Grand Jury, did knowingly and willfully combine, conspire, and agree to:

a. Defraud the United States by impeding, impairing, obstructing, and defeating the lawful government functions of the Internal Revenue Service of the United States Department of the Treasury in the ascertainment, computation, assessment, and collection of revenue, specifically, federal income taxes; and

b. Having deducted and collected federal income taxes and FICA taxes from the

wages of Olen employees, did willfully fail to account for and to pay over to the Internal Revenue Service said federal employment taxes (federal income taxes and FICA taxes) which were withheld and which were due and owing to the United States of America for the quarters in September 31, 2005 through December 31, 2007, in violation of Title 26, United States Code, Section 7202.

PURPOSE OF THE CONSPIRACY

9. It was the purpose of the conspiracy that the defendant would enrich herself by diverting to her own use and benefit over \$150,292 in payroll taxes withheld from the paychecks of Olen employees.

MANNER AND MEANS

10. The manner and means of the conspiracy included:

a. It was part of the conspiracy that the defendant would instruct employees of Olen to stop preparing Forms 941 for Olen.

b. It was further a part of the conspiracy that the defendant would cause

Olen to collect payroll taxes from its employees and fail to pay over the withheld taxes.

c. It was further a part of the conspiracy that the defendant would fail to file the required Forms 941 beginning for the third quarter of 2005 through and including the fourth quarter of 2007.

OVERT ACTS

11. In order to effect the objects of the conspiracy and in furtherance of the conspiracy, defendant DORIS RUIZ committed and caused to be committed the following overt acts in the District of Minnesota and elsewhere:

a. In or about 2005, defendant DORIS RUIZ caused Olen to withhold \$28,909 in taxes from employee paychecks and did not pay \$26,209 of the withheld funds to the U.S. Treasury.

b. In or about 2006, defendant DORIS RUIZ caused Olen to withhold \$45,864 in

taxes from employee paychecks and did not pay the withheld funds to the U.S. Treasury.

c. In or about 2007, defendant DORIS RUIZ caused Olen to withhold \$78,220 in taxes from employee paychecks and did not pay the withheld funds to the U.S. Treasury.

d. The Grand Jury re-alleges Counts 2 through 11 below as additional overt acts.

All in violation of Title 18, United States Code, Section 371.

COUNTS 2- 11

(Failure to Account for and Pay Over
Federal Employment Taxes)

12. Paragraphs 2 through 11 of the Indictment are hereby realleged and incorporated as if fully set forth herein.

13. During the following tax quarter and calendar quarter, in the State and District of Minnesota, the defendant,

DORIS RUIZ,

having deducted and collected federal income taxes and FICA taxes in the following amounts from the wages of Olen employees, did willfully fail to account for and to pay over

to the Internal Revenue Service said federal employment taxes (federal income taxes and FICA taxes) which were withheld and which were due and owing to the United States of America for said quarter:

COUNT	TAX QUARTER	QUARTER ENDING	FEDERAL EMPLOYMENT TAXES WITHHELD AND NOT PAID OVER
2	200509	09/30/2005	\$13,212.22
3	200512	12/31/2005	\$12,996.83
4	200603	03/31/2006	\$7,181.08
5	200606	06/30/2006	\$11,632.06
6	200609	09/30/2006	\$9,929.68
7	200612	12/31/2006	\$17,120.85
8	200703	03/31/2007	\$16,651.52
9	200706	06/30/2007	\$18,681.24
10	200709	09/30/2007	\$16,627.46
11	200712	12/31/2007	\$26,259.50

All in violation of Title 26, United States Code, Section 7202.

A TRUE BILL

UNITED STATES ATTORNEY

FOREPERSON